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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP.
100 GALLERIA PARKWAY N.W., SUITE 1750
ATLANTA, GA 30339-5948

In re Application of: LUCAS et al	:	
Application No.: 10/592,960	:	
PCT Application No.: PCT/NL05/00168	:	DECISION ON
Int. Filing Date: 08 March 2005	:	PETITION UNDER
Priority Date Claimed: 09 March 2004	:	37 CFR 1.137(b)
Attorney Docket No.: 820120-1020	:	
For: INJECTION SYRINGE	:	
	:	
	:	

This decision is a response to Applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)", which was filed on 13 September 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 08 March 2005, Applicant filed international application PCT/NL05/00168. The international application claims a priority date of 09 March 2004 and designates the United States. Pursuant to 35 U.S.C. 371 and 37 CFR 1.495, the thirty-month period for commencement of the national stage in the United States, and paying the required basic national fee, expired at midnight on 09 September 2006.

On 13 September 2006, Applicant filed the instant petition to revive accompanied by, *inter alia*, the small-entity petition fee of \$750.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or

applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to Item (1), the required reply, i.e. the small-entity basic national fee of \$150, has been authorized by Applicant and deposit account 20-0778 has been charged this amount.

With regard to Item (2), the appropriate small-entity petition fee of \$750 as required by 37 CFR 1.17(m) has been paid.

With regard to Item (3), Applicant's statement that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" has been satisfied.

With regard to Item (4), a terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and Applicant's petition to revive is GRANTED.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.



Dionne W. Mayes
PCT Legal Administration Detailee
Telephone: 571-272-6094
Facsimile: 571-273-0459



Leonard E. Smith
Supervisory Legal Examiner
Office of PCT Legal Administration